

### Appendix C: 20-CP Antidegradation Checklist

For any portion of ~~your~~ a construction site that is located with a watershed that is identified by the Department<sup>1</sup> or the EPA, as a Tier II for antidegradation purposes, ~~you~~ permittees must perform an antidegradation review (COMAR 26.08.02.04-1). This Checklist <sup>2</sup>is acceptable for use in documenting ~~you~~ the required antidegradation review and ensuring protection of Tier II resources during construction. This completed form should either be uploaded with ~~your~~ the NOI, or shared with the Industrial Stormwater Permits Division at the Maryland Department of the Environment.

**Commented [A1]:** Should this document include a certification statement as well as signature? Or is it included as a part of the NOI and considered to be already certified?

**Project Name:** \_\_\_\_\_

**General Permit Number (MD):** \_\_\_\_\_ **OR, if not available,**

**County ESC Plan Identifier:** \_\_\_\_\_

**County:** \_\_\_\_\_ **Site Map #** \_\_\_\_\_ **Parcel #** \_\_\_\_\_

**Applicant Signature:** \_\_\_\_\_ **Date Complete:** \_\_\_\_\_

<b>Do all Tier II watersheds impacted by the proposed activity HAVE assimilative capacity?</b>	<b>Yes/No</b>
<p>If the proposed activity <del>is</del> discharges to a stream segment which doesn't have assimilative capacity, <del>you will need to consultation</del> with the Department's Tier II group on available options <del>for the site is required</del> and <del>list the findings/outcomes of that discussion shall be listed</del> in this antidegradation review. If this has occurred, provided comments.</p> <p>Comments: _____</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<b>Were any waivers provided for stormwater controls?</b>	<b>Yes/No</b>
<p><del>Verify that a minimum You Will the site</del> <b>Meet the following Stabilization Criteria?</b></p> <p>After initial soil disturbance or redisturbance, permanent (2011 ESC Handbook Section B-4-5) or temporary (2011 ESC Handbook Section B-4-4) stabilization is required within:</p> <p>i. Three (3) calendar days as to the surface of all perimeter controls, dikes, swales, ditches, perimeter slopes, and all slopes steeper than 3</p>	<b>Yes/No</b>

**Commented [A2]:** Who is this referring to? Recommend including some contact info here.

**Commented [A3]:** Reworded a few of these statements so that they were actual questions and the yes/no reply would be applicable.

<sup>1</sup> Use the interactive Tier II webmap located at: [ [HYPERLINK "https://mde.maryland.gov/programs/Water/TMDL/WaterQualityStandards/Pages/HighQualityWatersMap.aspx"](https://mde.maryland.gov/programs/Water/TMDL/WaterQualityStandards/Pages/HighQualityWatersMap.aspx) ] to assist you. On the map, Tier II watersheds colored orange have NO assimilative capacity.

<sup>2</sup> Alternative forms may be approved by the Department, if they contain the information in this checklist.

horizontal to 1 vertical (3:1); and ii. Seven (7) calendar days as to all other disturbed areas on the project site except for those areas under active grading.	
<b>Verify/Will Increased Inspection Frequency for earth disturbing activity within a Tier II Watershed be conducted?</b>  For any portion of the site that discharges to a water that is identified by the Department as Tier II for antidegradation purposes, you must conduct inspections <u>must be conducted</u> in accordance with the following inspection frequencies: Once every four (4) calendar days.	Yes/No
<b>Were there any exemptions to the requirements for Protections in the Stream Protection Zone below?</b> Note: If exemptions were applicable <u>make sure they must be included</u> <del>make sure they must be included</del> <del>in the plan.</del>  Comments: _____ _____ _____	Yes/No
<b>Have you Verified your Stream Protection Zone Considerations below?</b>  All additional controls needed to meet these requirements <u>listed in the permit for</u> Tier II watersheds shall be clearly marked on the erosion and sediment control (E&SC) plan and approved by the appropriate approval authority pursuant to COMAR 26.17.01. <u>You Permittees</u> are required to document in <u>your</u> the E&SC plan <u>that a 50' where the natural buffer width that is retained (whenre you are</u> complying with alternative 1) and <u>you must document the reduced width of the buffer you that will be retaineding and document the additional erosion and sediment controls you willto be used (whenre you will be complying with</u> alternative 2).  Comments: _____ _____ _____	Yes/No
<b>Will the site follow Compliance Alternative 1?</b> Provide and maintain an undisturbed natural buffer within the Stream Protection Zone (an average of 100 feet from edge of stream).  Comments: _____ _____	Yes/No

Commented [A4]: Specify which plan this is referring to.

<p><b>Will the site follow Compliance Alternative 2?</b> Provide and maintain an undisturbed natural buffer that is less than an average of 100 feet and is supplemented by additional erosion and sediment controls. The acceptable additional erosion and sediment controls include, but <del>are</del>is not limited to, those listed in the 2011 ESC Handbook. These controls <u>listed in the Handbook</u> are accelerated stabilization, redundant controls, upgraded controls, passive or active chemical treatment, or a reduction in the size of the grading unit. These options are provided below, which are the controls that must be considered and <del>once selected</del>, implemented when construction activity occurs within these Stream Protection Zones. The local approval authorities may provide additional options that provide similar protection. Check each that apply below.</p> <p>Comments: _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p>Yes/No</p>
<p><input type="checkbox"/> <b>a: Accelerated Stabilization Requirements</b></p> <p>Earth disturbance must be stabilized as soon as possible and as dictated by the approved plan (e.g., seed and mulch, soil stabilization matting, rip rap, sod, pavement):</p> <ul style="list-style-type: none"> <li>At a minimum, all perimeter controls (e.g., earth dikes, sediment traps) and slopes steeper than 3:1 require stabilization within three calendar days and all other disturbed areas within seven calendar days</li> <li>Accelerated stabilization (e.g., same day stabilization) may be required based on site characteristics or as specified by the approval authority</li> </ul> <p>Comments: _____</p> <p>_____</p> <p><input type="checkbox"/> <b>b: Redundant Controls</b></p> <p>Runoff must pass through two sediment control devices in series. The following are examples of possible combinations:</p> <ul style="list-style-type: none"> <li>When dewatering sump areas, <del>or</del> sediment traps, or <u>sediment</u> basins, discharge sediment laden water first to a portable sediment tank and then a filter bag</li> </ul>	

- Install parallel rows of a perimeter filtering control or a combination thereof of silt fence, super silt fence, and filter logs (e.g., two rows of parallel silt fence or a row of filter log parallel to a row of super silt fence)

Comments: \_\_\_\_\_

\_\_\_\_\_

☐ **c: Upgrade Controls**

The following are examples of possible upgrades:

- Upgrade from silt fence to super silt fence
- Upgrade from a temporary stone outlet structure to a temporary gabion outlet structure
- Upgrade all sediment traps and basins to control additional storage volume; increase the required storage volume from 3,600 cubic feet/acre to 5,400 cubic feet/acre
- Upgrade standard inlet protection type A to type B and upgrade at grade inlet protection to gabion inlet protection

Comments: \_\_\_\_\_

\_\_\_\_\_

☐ **d: Passive or Active Chemical Treatment**

The use of chemical additives requires permit coverage and considerations related to potential aquatic toxicity. [ [HYPERLINK "https://mdewwp.page.link/ChemAddReview"](https://mdewwp.page.link/ChemAddReview) \t "\_blank" ].

Comments: \_\_\_\_\_

\_\_\_\_\_

☐ **e: Reduction in the Size of the Grading Unit**

- Require grading unit limitations to 10 acres of earth disturbance inside the Stream Protection Zone
- Require grading unit limitations to 20 acres for any earth disturbance that is adjacent to and contiguous with earth disturbances inside the Stream Protection Zone

Comments: \_\_\_\_\_

\_\_\_\_\_

☐ **f: Prerogative of Approval Authorities**

The additional controls described above for projects in Stream Protection Zones are examples of accelerated stabilization, redundant controls, upgraded controls, passive or active chemical treatment, or a reduction in the size of the grading unit. Approval authorities may use these examples as a guide when approving projects, but may also apply further erosion and sediment control measures based on local site conditions, local regulations/ordinances, and best professional judgement.

Comments: \_\_\_\_\_

\_\_\_\_\_